

**Planning Commission Meeting for New Castle City took place on January 24, 2011 at 6:30 p.m. in the City of New Castle's Town Hall.**

Members Present: David Bird, Chair  
Florence Smith  
Joe DiAngelo  
Dorsey Fiske  
Susan Marinelli

Members Absent: Bill Simpson, Co-Chair  
Vera Worthy  
Dr. Jack Norsworthy

City Planner: Marian Hull, URS

Mr. Bird called the meeting to order at 6:30 p.m. Roll call was taken.

Approval of Minutes – A motion was made and seconded to approve the minutes of the November 2010 meeting. The minutes were adopted.

Discussion of Planning Studies for 2010-2011 – At the last Planning Commission meeting a motion was approved to recommend to City Council that they approve an expenditure not to exceed \$12,000 of this body's budget for the Capital Improvement Plan in accordance with the proposal put forth by URS. Ms. Hull noted that Council's highest priority of the projects being considered for Comprehensive Plan implementation is the downtown waterfront and parking access study but \$12,000 is not enough to handle this. WILMAPCO has another round of grant funding available and we could be in a position to supplement the \$12,000 that could put us in a position to pursue this project if that is the City's desire rather than the Capital Improvement Plan. She has not spoken to WILMAPCO as of today. Mr. Bird informed he had received a letter from Ms. Cathie Thomas about the WILMAPCO grant concerning planning studies and part of the letter indicates the hope this body may possibly review and comment on its contents. There is the possibility of tying this in with the river front and transportation access around the river front area. Deadline for submissions is 2/18/11. Ms. Hull or Ms. Thomas should contact WILMAPCO to see if that type of study would qualify as part of the Comprehensive Plan. The Planning Commission has previously expressed interest in seeking funds for the river front. At a recent meeting sponsored by the Historic New Castle Alliance that involved numerous State agencies, it was suggested we develop a concept plan for the river front that includes ice breakers and docks. We would like to do both but Council sets the priorities.

**A motion was made by Ms. Smith to pursue this course of action through the City and possibly WILMAPCO to supplement planning funds to look at downtown circulation, parking and river front. Ms. Fiske seconded the motion. The motion was adopted.**

Proposal from Family Foundation Charter School (FFCS) to Locate a New Facility on the Former B&E Property – Mr. Pete Davisson of Jackson Cross Partners Commercial Real Estate presented to the Commission. He introduced Messrs. Breck Smith, legal representative with Fox Rothschild, and Shawn Moore, CEO and President of the Board of Directors, and Dr. Tennell Brewington, principal of FFCS were introduced. *(Note: Mr. Bird disclosed that his daughter is an employee of Fox Rothchild in their FL office but this will not impact his decision.)* The school's goal is to bring an expansion of FFCS to the former B&E site. The school is currently on Delaware Street and has been there over four (4) years.

They want to ensure they are doing what is good for the City. They recognize there are various studies (traffic, environmental) that will be required during this process. They will lease ground and develop the expansion component on the B&E site. There is a zoning change proposed in the Gateway area and a school is permitted; however, a variance may be necessary. Approximately seventeen (17) acres of ground will be leased which includes 80,000 square feet of buildings. They have agreed with the owners that the right side of the building and the rear two (2) buildings will be used in the development of the school. They are looking at a long-term land lease for the ground portion and purchase of the three (3) buildings involved. This involves about 30,000 square feet of building space. Mr. Bird noted a special exception process would be needed. There is a limit on square feet building footprint in the proposed zoning changes.

Mr. Davisson stated the front building would be finished first and would house classrooms and administrative offices. The middle building would be a gymnasium and the back building would be a library, cafeteria and more classrooms. At some point they would like to connect the middle and rear buildings. In their Delaware Street building they occupy 38,000 square feet.

Mr. Bird inquired how this proposal would affect the Comprehensive Plan. Ms. Hull responded that if someone wants to develop a parcel and use existing buildings we have a set of standards that would apply. Mr. Davisson further informed of their plan for a brick façade for the front of the building. *(A rendering of the building with a brick façade was shown to the Commission.)* Mr. Bird asked if the owners have indicated the uses for other buildings around the proposed school. They will remain industrial use according to Mr. Davisson. As part of the plan they are talking about a divider such as a fence. They want to separate the buildings as much as possible both visually and graphically.

Mr. Bird informed the Commission would make a recommendation to the Board of Adjustment. Traffic will have to be analyzed. The volume of traffic is a huge concern of this body. How would an educational institution fit in the area. At a past public hearing it was suggested that the building could be used for educational purposes. Ms. Marinelli asked what grades would be at this facility and was informed grades 5-8. Their long-term goal would be to consolidate the entire K-8 at this location. The facility will not go over 8 grades. The elementary grades would be phased in over about two (2) years.

Mr. Davisson informed the plan for expansion does not include additional buildings. Existing elementary grades will fit in the building design being presented tonight. This includes the expansion grades of 5-8. *(More details were provided.)*

Mr. Moore reported they are in the preliminary phase of this project. They originally planned on moving the elementary to this site. The DOE prefers K-8 in one location. If this is not possible K-4 will remain at the Delaware Street site with 5-8 at B&E. He expressed the school's desire to work with the City. They would like to have all students at one location in the future. It is their hope to take possession of the property soon so they can begin renovation work.

Ms. Hull stated that if the building(s) are active as industrial at the time the new ordinance passes they would be non-conforming and would remain; if they are not being actively used for industrial uses at the time the new ordinance is adopted they can't stay. This would not effect the FFCS proposal. The area being industrial serves to help the educational part.

One of the things the Planning Commission wants to ensure that whatever goes there is compatible with the view or gateway into the City. Part of that was the transportation concerns and what traffic would be generated in that area. The street where the B&E site is located is residential and it is in an area already experiencing high traffic volume. He noted this is the first proposal for this redevelopment area and we want to take time to look at it.

Ms. Hull said we will have discussions about parking, etc. The proposal is reusing existing buildings that have been vacant for some time. Mr. Bird added that other property owners have not commented on their plans in the area.

Mr. Moore said they are flexible in adjusting their dismissal times to help with traffic. There are three (3) possible entrances and exits for this property. (*Discussion followed.*) They anticipate about five (5) buses to service this location. Currently they have eight (8) buses servicing the entire school. They also anticipate opening August 2012 if approvals go through. Approximately 400 students are involved with grades 5-8 with 800 students enrolled in K-8.

According to Mr. Bird the next step would involve a more definitive proposal in preparation of making a recommendation. Ms. Hull noted that the first and second reading of everything related to the gateway district ordinance was done at the January Council meeting. It is possible that it can be adopted at the February meeting. Once new zoning language is adopted then this applicant can entertain a letter of endorsement for the use to the Board of Adjustment. If the downtown gateway is adopted in February the Planning Commission can address this at our February meeting. (*Further discussion about the path forward process followed.*)

Mr. Bird inquired about after school activities involving the community. Mr. Moore informed that they currently allow community activities such as Boy Scouts and Girl Scouts, cheerleading leading practice and the like. They believe in offering community service after school hours. There was brief discussion about the possibility of a local college conducting classes at this site.

Traffic concerns were expressed by resident Ted Megginson. He noted several cars that use the B&E parking lot now that would need to move to street parking once the school becomes operational. Mr. Moore stated that the school has already discussed allowing those residents to continue using the parking lot after hours. Several Commissioners expressed concerns about traffic volume which led to discussion about bell times and access to the property. Mr. DiAngelo would like consideration placed into using an adjacent middle school building on Delaware Street owned by the Colonial School District. He was informed the district has indicated plans for the building. FFCS informed they had already considered this building to no avail. Resident Doug Walsh asked what would happen to the Delaware Street facility should FFCS relocate all grades to the B&E site. Mr. Moore said they would sell the building which is located on Trustees' land.

Proposed Property Redevelopment Code Section – Mr. Shawn Tucker, Esq. distributed materials to Commissioners. (*Materials had been distributed to Commissioners prior to the meeting.*) He represents Mike and Paul Cirillo who own a corner parcel at 200 West 9<sup>th</sup> Street. He provided a history of events and reviewed the materials. His clients would like to redevelop this corner; it is a potential redevelopment site. The applicants waited for the

Comprehensive Plan update to be certified and voted on. They reviewed the redevelopment component of the plan. Mr. Tucker has spoken to former City Solicitor Roger Akin about the applicants' interest in redeveloping this corner in accordance with the plan language adopted. He also spoke to Mr. Bergstrom. Mr. Akin informed there were other priorities the City is focused on but said if Mr. Tucker wanted to draft something that he could move forward from that point. He has drafted an ordinance that includes comments from Mr. Akin. Those comments were then reviewed in detail.

They ask that the Planning Commission consider the draft ordinance. From a legal perspective, Mr. Akin has signed off on it and the new City Solicitor has been provided a copy of the proposed draft for review. They request this body review the document, offer comments and possible changes and make a recommendation to City Council.

Mr. Bird asked if the current City Solicitor made any comments and was informed he has not provided comments and is aware of tonight's proceeding. Once he reviews the document he will be in contact with Mr. Tucker. Ms. Hull was asked to comment on the items in Mr. Tucker's presentation. *(Comments followed.)*

If the ordinance is approved Mr. Tucker said his clients would invest in a concept plan. *(Lengthy discussion between Mr. Tucker, Commissioners and Ms. Hull followed.)*

Mr. Tucker will work with the Planning Commission, Ms. Hull and the new City Solicitor to adopt this proposed ordinance keeping in mind comments made tonight. His clients would like to break ground in Spring 2011. Mr. Bird would like to address the revised version at our February meeting and perhaps make a recommendation to City Council.

Proposed Changes to City Code Zoning Amendment Procedure – Ms. Hull said at a public hearing in late summer 2010 concerns were raised about the general commercial district and the elimination of residential uses from that. No changes were made to the general commercial district. The person also said he had concerns about the amendment process and once it went to ordinance form the party then reviewed it and has expressed specific concerns and ideas to be incorporated. The description for the process of amending zoning ordinance was inaccurate. Mr. Akin suggested using the City of Newark's ordinance and modified it to the City of New Castle. She then reviewed an additional concern this party has presented which addresses the timeline of 90 days maximum following the initial receipt of a proposal/petition (discussion about the completeness of applications followed). Notice requirements were also noted as a concern of this party. Ms. Hull will follow up with the City Solicitor for his input.

Mr. DiAngelo asked if City Council is aware of these concerns and Ms. Hull informed they are. They planned on addressing at their January meeting but have sent these changes back to the Planning Commission to consider whether the changes should be considered or not. If we recommend they go forward as is or make any changes they will have a first and second reading in February.

Mr. Bird commented that any change to the zoning ordinance has to be in conformance with the Comprehensive Plan. Ms. Hull concurred. Anyone can make a change but if that change

is not consistent with the Comprehensive Plan you have to submit a Comprehensive Plan amendment which would then trigger the whole PLUS review process. If any changes made to zoning are consistent with the Comprehensive Plan, it is not subject to the PLUS review process.

**Ms. Fiske made a motion to recommend to City Council the proposed changes discussed with the additions of a reference to the State Code stating it needs to be consistent with our Comprehensive Plan and a change to the time limit relating it to completeness of applications versus when the application is filed. Ms. Smith seconded the motion. The motion was adopted.**

Budget Review – Mr. Simpson was charged with researching this process and reporting his findings. This matter will be addressed at a future meeting.

Commission Member Comments – Mr. Bird clarified his intent of questioning topics on the agenda. He intends to give proponents every opportunity to present what they want to do and decisions are ultimately up to the Planning Commission. He wants to ensure we have as much information as possible and balance everything. He reiterated earlier concerns about traffic issues in the City. He added that any decision we make in the redevelopment area has to be made taking into consideration what else may go on that property and compatibility.

Mr. DiAngelo suggested contacting local representation (Reps. Mulrooney & Johnstone/Sen. Connor) about the school building adjacent to the FFCS school. *(Discussion followed.)*

Ms. Smith inquired about the status of a letter this body was to have written about rail transportation in the city.

Commissioners were asked about the status of the Riverbend project and how it might impact the FFCS. Mr. Bird informed what this body has recommended to City Council. *(Additional discussion followed.)*

Next Meeting – The next scheduled meeting is 2/28/11 at 6:30 p.m.

Adjournment – **A motion was made and seconded to adjourn the meeting. The meeting was adjourned at 8:50 p.m.**

Respectfully submitted,

*Debbie Turner*

Debbie Turner  
Stenographer